



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,067	07/07/2000	Joel Naumann	CISCO-2390	6900

7590 08/27/2003
Timothy A. Brisson
Sierra Patent Group, Ltd.
P. O. Box 6149
Stateline, NV 89449

EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
----------	--------------

2661

DATE MAILED: 08/27/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary

Application No.

09/612,067

Applicant(s)

NAUMANN, JOEL

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 10, 12, 13, and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-9, 11, 14-17, and 21-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2661

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "figures 3 and 4, element 128" and "figures 3 and 4, element 130" have both been used to designate figures 3 and 4, element 116. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities:

Page 3, line 18, "resistor 106" should be "resistor 105".

A brief description of the drawing figures 6A and 6B is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

Art Unit: 2661

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 5, 10, 12, 13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of MacLaren et al. (U.S. Patent 5930496).

In regards to claims 1, 4, 5, and 19, the admitted prior art discloses a communication system having a router, said router having a PCI-compliant front card, said front card begin configured to accept a LAN or WAN compliant back card, a method for detecting the absence of a Phy Layer device on the back card and communicating said absence to the front card, said method comprising: receiving, by the front card, a sensing signal from the back card (Specification, page 3, lines 2-14)... wherein said front card comprises an FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)... wherein said front card and said back card are coupled via an MII bus (figure 2, element 114). The admitted prior art fails to teach if said sensing signal is a logical low, then coupling a IDSEL signal corresponding to a particular channel of said back card to said front card; and if said sensing signal is not low, then decoupling said IDSEL signal from said front card and providing a logical low signal in the place of said IDSEL line. However, MacLaren et al. discloses that if a sensing signal is a logical low, then coupling a IDSEL signal corresponding to a

Art Unit: 2661

particular channel of said back card to said front card; and if said sensing signal is not low, then decoupling said IDSEL signal from said front card and providing a logical low signal in the place of said IDSEL line (col. 7, lines 41-55 implies that if the PCI card is not connected, then the signal is logic level high and if it is connected then the signal is logic level low. Although this is opposite from applicant's invention, it would have been obvious to use a logic level low to identify a non-connected card and use a logic level high to identify a connected card as applicant's invention does to achieve the same result). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the sensing signal of MacLaren et al. with the communication system of the admitted prior art. The motivation being to obtain reliable detection of a connected communications card in a communications system.

In regards to claims 10, 12, and 13, the admitted prior art discloses a communication system having a router, said router having a PCI-compliant front card, said front card begin configured to accept a LAN or WAN compliant back card, an apparatus for detecting the absence of a Phy Layer device on the back card and communicating said absence to the front card...wherein said front card comprises an FE MAC, and said back card comprises an FE Phy...wherein said front card and said back card are coupled via an MII bus. The admitted prior art fails to teach means for switching disposed on the front card; said means for switching being configured to receive a sensing signal from the back card, said sensing signal having a first and second state; said means for switching being further configured to provide a predetermined signal to said front card responsive to said state of said sensing signal.

Art Unit: 2661

However, MacLaren et al. discloses a means for switching disposed on the front card; (col. 7, lines 41-55 where the two signals imply an inherent switching mechanism in the device)... said means for switching being configured to receive a sensing signal from the back card, said sensing signal having a first and second state; (col. 7, lines 41-55 where the high or low signal is the sensing signal and the first or second state)... said means for switching being further configured to provide a predetermined signal to said front card responsive to said state of said sensing signal (col. 7, lines 41-55 where the function of MacLaren et al.'s invention depends on the state, or signal sent). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the switching mechanism of MacLaren et al. with the communication system of the admitted prior art. The motivation being to allow for a dynamic and more responsive communication system.

In regards to claims 18-20, the admitted prior art discloses an apparatus for detecting the absence of a LAN or WAN compliant device, said apparatus comprising: a PCI-compliant front card, said front card being configured to accept a LAN or WAN compliant back card... wherein said front card comprises an FE MAC, and said back card comprises an FE Phy... wherein said front card and said back card are coupled via an MII bus. The admitted prior art fails to teach that said front card further has a switch, said switch being serially disposed on a IDSEL connection corresponding to a particular channel on said front card, said switch being further configured to receive a sensing signal corresponding to said channel from said device; and wherein said apparatus is configured to couple said IDSEL connection to said front card if said sensing signal is in

Art Unit: 2661

a first state, and provide a low potential to said front card if said sensing signal is in a second state. However, MacLaren et al. discloses said front card further having a switch, said switch being serially disposed on a IDSEL connection corresponding to a particular channel on said front card (col. 7, lines 41-55 where the high/low signals of MacLaren allow for a IDSEL connection corresponding to a particular channel), said switch being further configured to receive a sensing signal corresponding to said channel from said device; and wherein said apparatus is configured to couple said IDSEL connection to said front card if said sensing signal is in a first state, and provide a low potential to said front card if said sensing signal is in a second state (col. 7, lines 41-55 where the two signals imply an inherent switching mechanism in the device).

Allowable Subject Matter

6. Claims 2, 3, 6-9, 11, 14-17, 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.


Art Unit: 2661

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Joshua Kading
Examiner
Art Unit 2661

JK
August 15, 2003


KENNETH VANDERPUYE
PRIMARY EXAMINER